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7

8   BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9   STATE OF CALIFORNIA

10

11 In the Matter of: FPPC No: 09/671

12
        JAN HORTON
13   STIPULATION, DECISION, and
        Respondent.   ORDER
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17   Complainant Roman G. Porter, Executive Director of the Fair Political Practices

18 Commission, and Respondent Jan Horton hereby agrees that this Stipulation will be submitted

19 for consideration by the Fair Political Practices Commission at its next regularly scheduled

20 meeting.

21   The parties agree to enter into this Stipulation to resolve all factual and legal issues raised

22 by this matter and to reach a final disposition without the necessity of holding an administrative

23 hearing to determine the liability of Respondent.

24   Respondent understands, and hereby knowingly and voluntarily waive, any and all

25 procedural rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and

26 in Sections 18361.1 through 18361.9 of title 2 of the California Code of Regulations. This

27 includes, but is not limited to, the right to personally appear at any administrative hearing held in

28 this matter, to be represented by an attorney at Respondents' own expense, to confront and cross-

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                          STIPULATION, DECISION AND ORDER

examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

It is further stipulated and agreed that Respondent violated the Political Reform Act by making a governmental decision in which she had a financial interest, in violation of Government Code section 87100 (1 count); as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

Respondent agrees to the issuance of the Decision and Order, which is attached hereto. Respondent also agrees to the Commission imposing upon her an administrative penalty in the amount of Three Thousand Dollars ($3,000). A cashier's check from Respondent in said amount, made payable to the "General Fund of the State of California," is submitted with this Stipulation as full payment of the administrative penalty, and shall be held by the State of California until the Commission issues its Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

Dated: _____   _____
                                        Roman G. Porter, Executive Director
                                        Fair Political Practices Commission

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1 Dated: _____   _____
                                               Jan Horton, Respondent
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5   **DECISION AND ORDER**

6   The foregoing Stipulation of the parties "In the Matter of Jan Horton, FPPC No. 09/671,"

7   including all attached Exhibits, is hereby accepted as the final Decision and Order of the Fair

8   Political Practices Commission, effective upon execution below by the Chair.

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10   IT IS SO ORDERED.

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    Dated: _____   _____
13   Ann Ravel, Chair
                                                Fair Political Practices Commission
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STIPULATION, DECISION AND ORDER